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REMARKS

The Official Action of October 24, 2008, has been carefully reviewed. Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

Pursuant to the Requirement for Restriction, the claims have been amended to be directed to the elected invention. For convenience in entry of the amendment, Claims 1-23 have been canceled without prejudice and rewritten as new Claims 24-28. Support for this amendment is found in the specification, e.g. at page 3, line 27 to page 33, line 34; and the claims of the application as filed.

Claims 24-28 are pending in the application.

I. Restriction Requirement

Under 35 U.S.C. 121 and 372, the Examiner required restriction of the claims. Although the Applicants maintain that the claims should not be subject to restriction, in the interest of compact prosecution Applicants affirm their election of Group I and have amended the claims to be directed to the elected subject matter.

This election is being taken without prejudice to the filing of a divisional application directed to the non-elected subject matter. In accordance with the third sentence of 35 U.S.C. § 121, a patent issuing from the instant application should not be a reference against a divisional application filed before the issuance of such patent.

II. Rejection of Claims 1, 3, 7, 11, 16 and 17 for Obviousness

Claims 1, 3, 7, 11, 16 and 17 stand rejected under 35 U.S.C. 103(a) as being obvious over Cossford et al. (US 2005/0026963; published February 3, 2005). The Examiner stated that Cossford et al. generically teach certain compounds wherein X is pyridyl, Y is aryl, A¹ is N and A² is carbon.

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The Applicants respectfully traverse this rejection and respectfully assert that Cossford et al. does not disclose or suggest the claimed invention. In this regard, the claims as currently amended are directed to the disubstituted pyrazole compounds which possess a "W" group on the "X"/pyridyl group and/or a "Z" group on the "Y"/aryl group.


The claimed compounds which possess a "W" and/or a "Z" group are structurally distinct from the compounds of Cossford et al. that bear just an "X" and "Y" groups on the pyrazole. Accordingly, the generic formula of Cossford et al. does not generically embrace the present compounds. Even if the generic formula of Cossford et al. did generically embrace the present compounds, there is no teaching or direction in the disclosure of Cossford et al. that would have suggested the present invention (e.g. compounds bearing a "W" group and/or a "Z" group) to one of ordinary skill in the art.

In addition, Cossford et al. (US 2005/0026963) published on February 3, 2005. Applicants note that the present application is a National Phase of PCT/US2004/011651, filed March 30, 2004, which claims the benefit of USSN 60/460,094, filed April 3, 2003. Applicants respectfully submit that the present application is fully entitled to its priority such that Cossford et al. (US 2005/0026963) is not a reference for purposes of 35 U.S.C. 103(a).

Accordingly, the rejection of 1, 3, 7, 11, 16 and 17 under 35 U.S.C. 103(a) as being obvious over Cossford et al. has been overcome.

Applicants respectfully contend that the application is allowable and a favorable response from the Examiner is earnestly solicited.

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By 

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